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Charles Kent's

ANNIVERSARY DISCOURSE,

DELIVERED BEFORE

THE NEW-YORK HISTORICAL SOCIETY,

DECEMBER 6, 1828.

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BY JAMES KENT,

President of the Society.

—•••••

NEW-YORK:

PUBLISHED BY G. & C. CARVILL.

BROADWAY.

1829.

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William Sampson Esq
 with the best Books
 of the Author

CHANCELLOR KENT'S

ANNIVERSARY DISCOURSE.

December 6 1820.

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Southern District of New-York, ss.

BE IT REMEMBERED, That on the thirtieth day of December, A. D. 1828, in the fifty-third year of the Independence of the United States of America, John W. Francis, (L. S.) Charles King, and Jonathan M. Wainwright, for the New-York Historical Society, of the said district, have deposited in this office the title of a Book, the right whereof the said Society claims as Proprietors, in the words following, to wit:

"An Anniversary Discourse, delivered before the New-York Historical Society, December 6th, 1828. By James Kent, President of the Society."

In conformity to the Act of Congress of the United States, entitled, "An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the time therein mentioned." And also to an Act, entitled, "An Act, supplementary to an Act, entitled, An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other Prints."

FRED. J. PETTS,

Clerk of the Southern District of New-York.

*New-York Historical Society, }
December 9th, 1929. }*

Resolved, That the thanks of the Society be presented to the Honourable JAMES KENT, for his able, appropriate, and highly interesting Discourse, delivered in the Hall of Columbia College, on the 6th of December instant; and that he be requested to furnish a copy of the same for publication.

Resolved, That Doctor John W. Francis, Rev. Doctor Wainwright, and Charles King, Esq., be a Committee to carry the foregoing resolution into effect.

JOSEPH BLUNT,
Recording Secretary.

DONOR

A

DISCOURSE, &c.

GENTLEMEN OF THE HISTORICAL SOCIETY,

It is a subject of just congratulation, that we now find this Society in a condition to pursue, with success, the patriotic design of the founders of the institution. By means of the bounty of the legislature, and the public spirit of several of the members, we are relieved from our embarrassments, and are enabled to display, to great advantage, the valuable collection of books and historical documents which we possess.

Our collections heretofore lay in such disorder, that few persons were aware of their intrinsic value. They have been redeemed from confusion, and made conveniently accessible to the scholar and the antiquary ; and can now, with great satisfaction, be presented to the view of our own citizens, and of intelligent strangers. For this improvement, our thanks are especially due to Mr. Delafield, the Treasurer ; and it is to his industry, taste, and zeal, that we are indebted for this new and beautiful arrangement of our historical materials.

When we advert to what has been done in other states, and particularly in Massachusetts and Pennsylvania, and perceive how much they have hitherto surpassed us in the extent and value of their researches, I trust we shall feel an additional stimulus to acquit ourselves of our duty, and throw back upon our own annals some of the light and lustre which emanate from the spirit of the age.

As the object of the Society is to discover, collect, and preserve materials, calculated to illustrate the history of our country, it has appeared to me to be suitable to the design of this anniversary meeting, to call your attention to some reflections, arising upon a view of the domestic history of this state. If I do not greatly deceive myself, there is no portion of the history of this country, which is more instructive, or better calculated to embellish our national character.

The eastern descendants of the pilgrims are justly proud of their colonial ancestors ; and they are wisely celebrating, on all proper occasions, the memory and merits of the original founders of their republics, in productions of great genius and of classical taste. Why should we, in this state, continue any longer comparatively heedless of our own glory, when we also can point to a body of illustrious annals ? Our history will be found, upon examination, to be as fruitful as the records of any other people, in recitals of heroic actions, and in images of resplendent virtue. It is equally well fitted to elevate the pride of ancestry, to awaken deep feeling, to strengthen just purpose, and enkindle generous emulation.

Such historical reviews have a salutary influence upon the morals and manners of the times ; for they help us to detect pretended merit, to rebuke selfish ambition, to check false patriotism, and humble arrogant pretension.

The discovery of the Hudson, and the settlement of our ancestors upon its borders, is a plain and familiar story, on which I shall not enlarge. Our origin is within the limits of well-attested history. This at once dissipates the enchantments of fiction ; and we are not permitted, like the nations of ancient Europe, to deduce our lineage from super-human beings, or to clothe the sage and heroic spirits who laid the foundations of our empire, with the exaggerations and lustre of poetical invention. Nor do we stand in need of the aid of such machinery. It is a sufficient

honour to be able to appeal to the simple and severe records of truth. The Dutch discoverers and settlers of New Netherlands, were grave, temperate, firm, persevering men, who brought with them the industry, the economy, the simplicity, the integrity, and the bravery of their Belgic sires; and with those virtues they also imported the lights of the Roman civil law, and the purity of the Protestant faith. To that period we are to look with chastened awe and respect, for the beginnings of our city, and the works of our primitive fathers—our *Albani patres, atque alte mœnia Romæ*.

It does great credit to the just and moderate views of the Dutch during their government in this colony, that though they selected and settled on some of the best bottom lands on the shores of the Hudson and its tributary waters, they lived upon friendly terms with the powerful confederacy of the Five Nations of Indians, whose original dominion extended over all the lands occupied by the Dutch. They were, at times, involved in hostilities with restless clans of neighbouring Indians, but the original and paramount lords of the soil, and generally the Long Island Indians, gave them no disturbance.^a The reason was, that the Indian right to the soil was recognised by the Dutch, and always regarded by them, as well as by the English, their successors, with the best faith; and they claimed no lands but such as were procured by fair purchase.^b The speech of the Indian called *Good Peter* to the commissioners at Fort Schuyler, in 1788, is a strong attestation of

^a *Smith's History of New-York*, vol. i. 28. *Trumbull's History of Connecticut*, vol. i. 138—140. *Collections of the New-York Historical Society*, vol. iii. 324. 357. *Wood's Sketch of the First Settlement on Long Island*, p. 29—32.

^b *Wood's Sketch*, p. 12. 22, 23. gives the names of the several tribes from whom all the lands on Long Island, whether settled by the Dutch or English, were purchased.

this fact. He observed, that when the white men first came into the country, they were few and feeble, and the Five Nations numerous and powerful. The Indians were friendly to the white men, and permitted them to settle in the country, and protected them from their enemies; and they had wonderfully increased, and become like a great tree overshadowing the whole country.^a

The Dutch colonial annals are of a tame and pacific character, and generally dry and uninteresting. The civil officers, as well as the ministers of the Dutch churches, were well-educated men, who imbibed their religion and learning in Holland; and in their long and sharp controversies with the New-England Colonies, the governors of this Colony showed themselves, to be no ways inferior in their discussions to the most sagacious of the Puritans, either in talent, doctrine, or manners. Their disputes were concerning territorial jurisdiction, and particularly in respect to the country on Connecticut river, and they also had contentions concerning fugitives from justice, and interferences with the Indian trade. Strength and arrogance of deportment were evidently on the side of the English. Governor Keift, in his letter to the commissioners of the United Colonies of New-England, in 1646, observed, that their complaints of ill-usage were the complaints of the wolf against the lamb.^b Governor Stuyvesant also observed, in his letter to the Dutch West India Company, in 1660, that the New-Englanders were in the ratio of ten to one, and able to deprive the Dutch of their country.^c The Dutch governors charged the English, in direct terms, with an insatiable desire of possessing their lands; and whatever might have been the real merits of the Dutch title to

^a *Collections of the New-York Historical Society*, vol. iii. 326.

^b *Hist. Coll. New-York Society*, vol. i. 196.

^c *Smith's Hist. of New-York*, vol. i. 21.

lands on Connecticut river, founded on assumed prior discovery and prior Indian purchase, it appears, at least from the diplomatic papers of the time, that their manner of vindicating their claim, and repelling accusation, and remonstrating against aggression, was forcible, sagacious, and temperate.

Peter Stuyvesant administered the Dutch government from 1647 to the surrender of the Colony to the English, in 1664, and he held his power in difficult times, and was surrounded with perils; but he was a man of military skill, and of great firmness, judgment, and discretion.^a He manifested his desire for peace, and showed the magnanimity of his character, in going, in proper person, in 1650, to Hartford, to meet and negotiate with the commissioners of the New-England Colonies. Though standing alone in the midst of a body of keen and well-instructed opponents, he conducted himself with admirable address and firmness. The correspondence between him and the commissioners, is embodied and preserved in the collections of this Society, and it does credit to his memory.^b The commissioners took offence at the date of his first diplomatic note, which, though written on the spot, was dated New-Netherlands. Governor Stuyvesant consented to date it at Connecticut, leaving out New-Netherlands, provided the commissioners would date theirs at Hartford, leaving out New-England, and to this they assented. Both parties managed the controversy with great discretion and good sense. When the commissioners complained of the vagueness and harshness of some parts of his letters, Governor Stuyvesant replied, that he came there from the love of peace, and not for altercation; and that they all knew he could not deliver himself so promptly and clearly in the English

^a *Benson's Historical Memoir*, note iv.

^b *Collections*, vol. i. 189—290., taken from *Hazard's Historical Collections*, vol. ii.

as in his own native tongue, and no advantage ought to be taken of any inaccuracy of expression. The meeting adjourned without any decisive results; and he afterwards, in the year 1653, sent an elaborate vindication of his rights to the New-England commissioners at Boston, which contained sound expositions of national law. The English had complained of the exaction of duties upon them in their trade and purchases at New-Amsterdam; and he in his turn insisted, that every civil government had a right to make what laws it thought fit, and every person who came within a foreign jurisdiction, must expect to find, and not to bring laws with him. He resented, in proper terms of indignation, the atrocious charge of being concerned in a conspiracy with the Indians, to plunder his neighbours, and shed innocent blood; and he said, that he reposed on the *mens conscia recti*, and despised the tongue of calumny. Though he sought nothing but peace and neighbourly intercourse, yet, if he must be driven to extremities, he had confidence that a just God would smile on and bless a righteous defence.

With that wise and good man terminated the Dutch power in this Colony.

The English took possession of the government in 1664, and administered it in the name, and under the authority of the Duke of York, who was the patentee. The terms of surrender of the Dutch power were exceedingly liberal. The inhabitants were made secure in their persons, property, and religion.^a Their titles to land were previously free from the appendages and services of feudal bondage.^b

^a *Smith's History of New-York*, vol. i. 32.

^b This is to be inferred from the conditions which had been offered by the Burgomasters of Amsterdam, in 1656, to the settlers in New-Netherlands, one of which was, that every farmer should have a free, fast, and durable property in his lands.—*New-York Historical Collections*, vol. i. 291.

The conquest of the Colony proved to be a very fortunate event to the Dutch. They were relieved from perilous controversies with their eastern neighbours, and they became entitled to the privileges of English subjects. In a few years they participated in the blessings of a representative government, and they exchanged their Roman jurisprudence for the freer spirit, the better security, and more efficient energy of the English common law. The Dutch and English inhabitants became thoroughly united and formed but one indivisible people. The Dutch race in this Colony kept at least equal pace with their English brethren, in every estimable qualification of good citizens. Through all the subsequent periods of our eventful story, down to the present day, they have furnished their full proportion of competent men. This they have done in every variety of situation in which our country was placed, whether in peace or in war; and whatever was the duty in which they were engaged, whether in the civil or military, political or professional departments.^a

Within twenty years from the conquest of the Colony, a free government, upon the plan of the English constitution, was given to it, consisting of a Governor and Legislative Council, appointed by the Crown, and a House of Assembly, chosen by the people.^b The Assembly was com-

^a It is worthy of notice, that the only two regiments of infantry from this state, in the line of the army of the United States, at the close of the American war, were commanded by Dutchmen. I allude to the regiments commanded by Col. Van Cortlandt and Col. Van Schaick. And I hope I may be permitted to add, without meaning any invidious comparisons, that we have now living in this state, in advanced life, three lawyers of Dutch descent, who are not surpassed any where in acuteness of mind, in sound law learning, and in moral worth. The reader will readily perceive that I have in my eye Egbert Benson, Peter Van Schaack, and Abraham Van Vechten.

^b *Smith's History*, vol. i. 43. 53.

posed, in the first instance, of seventeen members only, and it was never enlarged, even down to the period of the American war, beyond the number of twenty-seven. The members, during the earlier periods of our colony history, were elected for an indefinite period; and new elections seemed to have been held only upon the dissolution of the legislature by the act of the governor. After long struggles for triennial elections, the assembly finally succeeded in 1743, to have the assembly made septennial by law. But we should be greatly mistaken if we were to conclude that so small a body of representatives, and chosen for such indefinite or protracted periods, was unable to withstand the influence of the executive branch of the government. The house, almost as soon as it was organized, began to feel its strength, and to display its independent genius. Through the whole period of our colonial history, the general assembly rarely ceased to sustain its rights, and assert its dignity with becoming spirit, against the whole weight and influence of the delegated powers of royalty. This character of the house, was a consequence naturally flowing from the healthy and vigorous principle of popular election, which, like the touch by Antæus of his mother Earth, in his struggles with Hercules, always communicated fresh strength and courage to renew the contest.

The house of assembly, from the very beginning of it, exercised its discretion as to the grant of supplies for the support of government, both in respect to the extent and the duration of the grants. The governors, however, constantly complained, and insisted upon a permanent provision for the officers of government, and they interposed royal instructions, and sharp remonstrances, for that purpose. Governor Fletcher, in 1695, first began the struggle with the assembly upon that point, and the contest was continued down to the era of our revolution; but the assembly retained the control of their funds with inflexible firmness. As the governor and council were appointed by

the crown, and held their offices at its pleasure, and as the judges were appointed by the governor and held at his pleasure, the colonial assembly had good reason to be tenacious of reserving to themselves some check upon the executive and judicial departments, by means of their support.

In 1708 the house of assembly declared that it was the unquestionable right of every freeman in the colony to have a perfect and entire property in his goods and estate; and that the imposing and levying of any moneys upon the subjects of the colony, under any pretence or colour whatsoever, without their consent, in general assembly, was a grievance, and a violation of right. They further declared that the king could not erect a court of equity in the colony without the consent of the legislature. This last resolution was again and again adopted, between 1702 and 1735, in despite of the influence and menaces of the royal representative.^a In 1749, the claim upon the assembly to pass a permanent Supply bill, was renewed in the most imperious and offensive manner. The governor told the assembly he had the king's instructions for a law rendering the provision for the support of government permanent; and the house calmly replied, that they would never recede from the method of an annual support. The governor then went so far as to deny their authority to act, except by the royal commissions and instructions, alterable at the king's pleasure, and subject to his limitations; and that there was a power able to punish them, and would punish them, if they provoked it by their misbehaviour. He proceeded to such extremities that the assembly, without swerving in the least from their determined purpose, declared his conduct to be arbitrary, illegal, and a violation of their privileges.^b

It would be difficult to find in any of the legislative re-

^a *Colony Journals*, vol. i. 223.

^b *Smith's Hist. of New-York*, vol. ii. 106—110. *Colony Journals*, vol. ii. 244—271.

cords of this country, a clearer sense of right, or a better spirit to defend it. There were also considerations arising from the peculiarity of their local condition, which serve greatly to elevate the character of our colonial ancestors.

Whenever war existed between Great Britain and France, the province of New-York was the principal theatre of colonial contest. It became the Flanders of America, and it had to sustain, from time to time, the scourge and fury of savage and Canadian devastation. We need only cast an eye upon our geographical position, and read the affecting details of the formidable expeditions, and the frightful incursions which laid waste our northern and western frontiers, between 1690, and the conquest of Canada, in 1760, to be deeply impressed with a sense of the difficulties which this colony had to encounter, and of the fortitude and perseverance with which they were overcome. The leading men, who swayed the house of assembly, or directed the popular voice, never wanted valour and virtue adequate to the crisis.

But I hasten to cast a rapid glance over the great events in our domestic history, subsequent to the peace of 1763.

The colony took an early and distinguished stand against the claims of the British parliament, to raise a revenue from their American colonies without their consent. If she was not in advance, New-York was at least equal in point of time, in point of spirit, and in point of argument, to any of the colonies, in the use she made of the monitory language of remonstrance. In March, 1764, the English house of commons passed a declaratory resolution, that it would be proper to impose certain stamp duties in the colonies for the purpose of raising revenue, and other resolutions passed at the same time, laying new duties upon the trade of the colonies. In October, 1764, the house of assembly of this colony, addressed the king and each house of parliament against all such schemes of taxation. They contended that the power of taxing themselves was interwoven fundamen-

tally in their constitution, and was an exclusive and inextinguishable right; and that the people of the colony could not be rightfully taxed without their consent, given by their representatives in general assembly. They declared that they received with the bitterness of grief, the intimation of a design in the British parliament to infringe that inestimable right. They complained also of the extension of the powers of the Vice-Admiralty courts, which led to a dangerous diminution of trial by jury. The assembly reasoned the question of taxation, with the British parliament, in the most eloquent and masterly manner; they declared that the people of the colony nobly disdained to claim exemption from foreign taxation as a privilege; they challenged it, and gloried in it as a right. It was a right enjoyed by their fellow subjects in Great Britain, and was the grand principle of the independence of the British house of commons; and they very significantly asked, "why such an odious discrimination? Why should it be denied to those who submitted to poverty, barbarian wars, loss of blood, loss of money, personal fatigues, and ten thousand unutterable hardships, to enlarge the trade, dominion, and wealth of the nation?"

In October, 1765, the house of assembly were represented by a select committee, in a congress of the northern colonies, which met in this city, on the subject of the grievous claims and laws of the British parliament. The chairman of that committee was Judge Livingston, the father of the late Chancellor of that name; and he reported to the house the proceedings of the congress, and the house approved of the conduct and services of the committee. They then united in fresh remonstrances to the king, and each house of parliament, against the stamp act and other statutes imposing taxes upon the colonies without their consent, and against the unwarrantable jurisdiction of the Vice-Admiralty courts. They declared that they were not, and could not, be represented in parliament; and their ad-

addresses were spirited and determined, and they certainly were urged with weighty and pathetic exhortation.

At the close of the year 1768, the house of assembly again remonstrated in the most decided style, and in animated addresses to the king and parliament, against the claims of the British government. They specified their essential rights, and enumerated their grievances. They complained of the recent statutes imposing duties and raising revenue from the colonies, without their consent, as being utterly subversive of their constitutional rights. They insisted that the authority of the colonial legislatures could not lawfully be suspended, abridged, or abrogated; and they considered the suspension of their legislative power, until they should have made provision for the accommodation of the king's troops, as a most dangerous assumption of unlawful power. They strongly urged their complaints of the erection of courts dependent upon the will of a royal governor; of Admiralty courts in which they were deprived of trial by jury, so deservedly celebrated by Englishmen, in all ages, as essential to their safety; and of the parliamentary claim of a right to give away their estates, and bind them in all cases whatsoever. They asserted in the most manly terms, their claim to a participation in those rights and liberties, which had been declared by magna charta, and reasserted in the petition and bill of rights, and confirmed at the accession of the house of Orange; and they reminded the king and parliament of their former loyalty and services, and how often it had been confessed that their zeal had carried them to make contributions beyond their proportion, and that the excesses had been reimbursed.

These state papers were produced in December, 1768, and they resemble very much in matter, spirit, and style, the resolutions and addresses of the first continental congress, in 1774, and they rival them in dignity and value. They were forwarded to the colonial agent at the court of Great Britain, and that agent was Edmund Burke. And yet

for those very proceedings, the assembly was severely rebuked by the governor, Sir Henry Moore, and the legislature was dissolved.

As the disputes between the mother country and the colonies grew more serious, and were evidently approximating to an appeal to arms, the house of assembly began to pause in its career. The influence of the crown upon the legislature of the colony was sensibly felt, and it tended, in a considerable degree, to damp their future zeal, and neutralize their measures. But the spirit of the people kept equal pace with the views and wishes of their brethren in the other colonies; and the prominent and splendid luminaries in the great scenes of the revolution, now began to ascend above the horizon. The names of Philip Schuyler and George Clinton, appear on the journals of the colony assembly, as members of the house during those noble efforts in the year 1768; and they were constantly maintained in that station, by their constituents of Albany and Ulster counties, from that year down to the termination of the existence of the colony legislature in April, 1775. The Dutch family of Schuyler stands conspicuous in our colonial annals. Colonel Peter Schuyler was mayor of Albany, and commander of the northern militia in 1690. He was distinguished for his probity, and activity in all the various duties of civil and military life. No man understood better the relation of the colony with the Five Nations of Indians, or had more decided influence with that confederacy. He had frequently chastised the Canadian French for their destructive incursions upon the frontier settlements; and his zeal and energy were rewarded by a seat in the provincial council; and the house of assembly gave their testimony to the British court of his faithful services and good reputation. It was this same vigilant officer who gave intelligence to the inhabitants of Deerfield, on Connecticut river, of the designs of the French and Indians upon them, some short time before the destruction of that

village, in 1704.^a In 1720, as president of the council, he became acting governor of the colony for a short time, previous to the accession of Governor Burnet.^b His son, Colonel Philip Schuyler, was an active and efficient member of assembly, for the city and county of Albany, in 1743. But the *Philip Schuyler* to whom I particularly allude, and who in a subsequent age shed such signal lustre upon the family name, was born at Albany in the year 1733, and at an early age he began to display his active mind, and military spirit. He was a captain in the New-York levies at Fort Edward, in 1755, and accompanied the British army in the expedition down lake George, in the summer of 1758. He was with Lord Howe when he fell by the fire of the enemy, on landing at the north end of the lake ; and he was appointed (as he himself informed me) to convey the body of that young and lamented nobleman to Albany, where he was buried, with appropriate solemnities, in the episcopal church.

We next find him, under the title of Colonel Schuyler, in company with his compatriot George Clinton, in the year 1768, on the floor of the house of assembly, taking an active share in all their vehement discussions. Neither of them was to be overawed or seduced from a bold and determined defence of the constitutional rights of the colonies, and of an adherence to the letter and spirit of the councils of the union. The struggle in the house of assembly, between the ministerial and the whig parties, was brought to a crisis in the months of February and March, 1775 ; and in that memorable contest, Philip Schuyler and George Clinton, together with Nathaniel Woodhull of Long Island, acted distinguished parts. On the motions

^a *Smith's Hist. of New-York*, vol. i. 92. 94. 137, 133. *Hoyt's Indian Wars*, p. 135.

^b *Colony Journals*, vol. i. 453.

to give the thanks of the house to the delegates from the colony in the continental congress of September, 1774; and to thank the merchants and inhabitants of the colony, for their adherence to the non-importation and the association recommended by congress, those patriots found themselves in the minority. But their courage and resolution gained strength from defeat. On the 31 of March, Colonel Schuyler moved declaratory resolutions that the act of 4 Geo. III. imposing duties for raising a revenue in America; and for extending the jurisdiction of Admiralty courts; and for depriving his majesty's subjects in America of trial by jury; and for holding up an injurious discrimination between the subjects of Great Britain and those of the colonies, were great grievances. The government party seem to have fled the question, and to have left in the house only the scanty number of nine members, and the resolutions were carried by a vote of seven to two. But their opponents immediately rallied, and eleven distinct divisions, on different motions, were afterwards taken in the course of that single day, and entered on the journal; and they related to all the momentous points then in controversy, between Great Britain and the United Colonies. It was a sharp and hard fought contest for fundamental principles; and a more solemn and eventful debate rarely ever happened on the floor of a deliberative assembly. The house consisted on that day of twenty-four members, and the ministerial majority was exactly in the ratio of two to one; and the intrepidity, talent, and services of the three members I have named, and especially of Schuyler and Clinton, were above all praise, and laid the foundation for those lavish marks of honour and confidence which their countrymen were afterwards so eager to bestow.

The resistance of the majority of the House was fairly broken down, and essentially controlled by the efforts of the minority and the energy of public opinion. A series of resolutions, declaratory of American grievances, were

passed, and petitions to the king and parliament adopted, not indeed in all respects such as the leaders of the minority wished, (for all their amendments were voted down,) but they were nevertheless grounded upon the principles of the American Revolution. They declared that the claims of taxation and absolute sovereignty, on the part of the British parliament, and the extension of admiralty jurisdiction, were grievances, and unconstitutional measures; and that the act of parliament, shutting up the port of Boston, and altering the charter of that colony, also were grievances.

These were the last proceedings of the general assembly of the colony of New-York, which now closed its existence for ever. More perilous scenes, and new and brighter paths of glory, were opening upon the vision of those illustrious patriots.

The delegates from this colony to the first continental congress in 1774, were not chosen by the general assembly, but by the suffrages of the people, manifested in some sufficiently authentic shape in the several counties. Among those delegates, and indeed among the whole list of persons in this first memorable convention, which assembled at Philadelphia with more than Amphictyonic dignity, there is but the name of a single survivor. He now lives in an adjoining county, in tranquil retirement, with his faculties sound, his health comfortable, cherished by his children, cheered by his friends, and displaying in his conversation and manners the wisdom of a sage, and the faith and resignation of a Christian. John Jay was one of the committee in that earliest congress, who drew and reported the address to the people of Great Britain. I was assured, in very early life, that he had a special share in its composition. At any rate, it bears the impression of his genius, and it is a production that stands without a rival. The public papers of that congress were all of them, in every point of view, of a masterly character. Lord Chat-

ham declared in his place, in the House of Lords, that those productions had never been surpassed in any age or nation, for solidity of reasoning, force of sagacity, and wisdom of conclusion.

The delegates to the second continental congress, which met in May, 1775, were chosen by a provincial congress, which the people of the colony had already created, and which was held in this city, in April of that year, and had virtually assumed the powers of government. The names of the delegates from this colony, to this second congress, were; John Jay, John Alsop, James Duane, Philip Schuyler, George Clinton, Lewis Morris, and Robert R. Livingston; and the weight of their talents and character may be inferred from the fact, that Mr. Jay, Mr. Livingston, Mr. Duane, and Mr. Schuyler, were early placed upon committees, charged with the most arduous and responsible duties.^a We find Washington and Schuyler associated together in the committee, appointed on the 14th of June, 1775, to prepare rules and regulations for the government of the army. This association of those great men, commenced at such a critical moment, was the beginning of a mutual confidence, respect, and admiration, which continued, with uninterrupted and unabated vividness, during the remainder of their lives. An allusion is made to this friendship in the memoir of a former president of this society, and the allusion is remarkable for its strength and pathos. After mentioning General Schuyler, he adds, "I have placed thee, my friend, by the side of him who knew thee; thy intelligence to discern, thy zeal to promote thy country's good, and knowing thee, prized thee. Let this be thy eulogy. I add, and with truth, peculiarly thine—content it should be mine to have expressed it."^b

^a *Journals of Congress*, vol. i. 99. 106.

^b The *Memoir* of Judge Benson, from which this is extracted, has never met with the reception due to its intrinsic merits. This has

The congress of this colony, during the years 1775 and 1776, had to meet difficulties and dangers almost sufficient to subdue the firmest resolution. The population of the colony was short of 200,000 souls. It had a vast body of disaffected inhabitants within its own bosom. It had numerous tribes of hostile savages on its extended frontier. The bonds of society seemed to have been broken up, and society itself resolved into its primitive elements. There was no civil government but such as had been introduced by the provincial congress, and county committees, as temporary expedients. It had an enemy's province in the rear, strengthened by large and well-appointed forces. It had an open and exposed seaport, without any adequate means to defend it. In the summer of 1776, the state was actually invaded, not only upon our Canadian, but upon our Atlantic frontier, by a formidable fleet and army, calculated by the power that sent them, to be sufficient to annihilate at once all our infant republics.

In the midst of this appalling storm, the virtue of our people, animated by a host of intrepid patriots, the mention of whose names is enough to kindle enthusiasm in the breasts of the present generation, remained glowing, unmoved, and invincible. It would be difficult to find any other people who have been put to a severer test, or on trial gave higher proofs of courage and capacity.

On the 19th of June, 1775, Philip Schuyler was appointed by congress the third Major General in the armies of the United Colonies; and such was his singular promptitude, that in eleven days from his appointment, we find him in actual service, corresponding with congress from a

probably arisen from the style and manner peculiar to that venerable man, whose habit has been to treat matters of fact with the dryness, precision, and severity of a special pleader. But the Memoir is nevertheless replete with shrewd remarks, sound principles, just criticism, keen satire, and ardent patriotism.

distance, on business that required and received immediate attention. In July, 1775, he was placed at the head of a Board of Commissioners for the northern department, and empowered to employ all the troops in that department at his discretion, subject to the future orders of the Commander-in-chief. He was authorized, if he should find it practicable and expedient, to take possession of St. Johns and Montreal, and pursue any other measures in Canada having a tendency, in his judgment, to promote the peace and security of the United Colonies.

In September, 1775, General Schuyler was acting under positive instructions to enter Canada, and he proceeded, with Generals Montgomery and Wooster under his command, to the Isle au Noix. He had at that time become extremely ill, and he was obliged to leave the command of the expedition to devolve upon General Montgomery. The latter, under his orders, captured the garrisons of Chambly and St. Johns, and pressed forward to Montreal and Quebec. Montreal was entered on the 12th of November, 1775, by the troops under the immediate orders of Montgomery, and in the same month a committee from congress was appointed to confer with General Schuyler, relative to raising troops in Canada for the possession and security of that province. His activity, skill, and zeal, shone conspicuously throughout that arduous northern campaign; and his unremitting correspondence with congress received the most prompt and marked consideration.

While the expedition under Montgomery was employed in Canada, General Schuyler was called to exercise his influence and power in another quarter of his military district. On the 30th of December, 1775, he was ordered to disarm the disaffected inhabitants of Tryon County, then under the influence of Sir John Johnson; and on the 18th of January following, he made a treaty with the disaffected portion of the people, in that western part of the state. The continental congress were so highly satisfied with his

conduct in that delicate and meritorious service, as to declare, by a special resolution, that he had executed his trust with fidelity, prudence, and despatch; and they ordered a publication of the narrative of his march in the depth of winter, into the regions bordering on the middle and upper Mohawk. The duties imposed upon that officer were so various, multiplied, and incessant, as to require rapid movements sufficient to distract and confound an ordinary mind. Thus, on the 30th of December, 1775, he was ordered to disarm the tories in Tryon county. On the 8th of January, 1776, he was ordered to have the river St. Lawrence, above and below Québec, well explored. On the 25th of January, he was ordered to have the fortress of Ticonderoga repaired and made defensible; and on the 17th of February, he was directed to take the command of the forces, and conduct the military operations at the city of New-York. All these cumulative and conflicting orders from congress, were made upon him in the course of six weeks, and they were occasioned by the embarrassments and distresses of the times.^a

In March, 1776, congress changed their plan of operation, and directed General Schuyler to establish his head quarters at Albany, and superintend the army destined for Canada. He was instructed to take such orders as he should deem expedient, respecting the very perplexing and all-important subject of the supplies for the troops in Canada; and those orders as to the supplies were repeated in April, and again in May, 1776. The duty of procuring supplies, though less splendid in its effects, is often more effectual to the safety and success of an army than prowess in the field. General Schuyler, by his thorough business habits, his precise attention to details, and by his skill and science in every duty connected with the equipment of an army, was admirably fitted to be at the head of the commis-

^a *Journals of Congress*, vols. i. and ii.

sariate ; and he gave life and vigour to every branch of the service. His versatile talents, equally adapted to investigation and action, rendered his merits as an officer of transcendent value.

On the 14th of June, 1776, he was ordered by congress to hold a treaty with the six nations, and engage them in the interest of the colonies, and to treat with them on the principles, and in the decisive manner, which he had suggested. His preparations for taking immediate possession of Fort Stanwix, and erecting a fortification there, received the approbation of congress, and their records afford the most satisfactory evidence that his comprehensive and accurate mind had anticipated and suggested the most essential measures, which he afterwards diligently executed throughout the whole northern department. But within three days after the order for the treaty, congress directed his operations to a different quarter of his command. He was ordered, on the 17th of June, to clear Wood Creek, and construct a lock upon the creek at Skeensborough, (now Whitehall,) and to take the level of the waters falling into the Hudson at Fort Edward, and into Wood Creek. There can be no doubt that those orders were all founded upon his previous suggestions, and they afford demonstrative proof of the views entertained by him, at that early day, of the practicability and importance of canal navigation. He was likewise directed to cause armed vessels to be built, so as to secure the mastery of the waters of the northern lakes. He was to judge of the expediency of a temporary fortification or intrenched camp on the heights opposite Ticonderoga. Captain Graydon visited General Schuyler early in the summer of 1776, at his head quarters on Lake George ; and he speaks of him, in the very interesting *Memoirs of his own Life*, as an officer thoroughly devoted to business, and being, at the same time, a gentleman of polished and courteous manners. On the 1st of August following, he was on the upper Mohawk, providing for its defence and security.

and again in October we find him on the upper Hudson, and calling upon the Eastern States for their militia.

There can be no doubt that the northern frontier, in the campaign of 1776, was indebted for its extraordinary quiet and security, to the ceaseless activity of General Schuyler. At the close of that year he was further instructed to build a floating battery on the lake, and a fort on Mount Independence, and also to strengthen the works at Fort Stanwix.

In the midst of such conflicting and harassing services, he had excited much popular jealousy and ill will, arising from the energy of his character, and the dignity of his deportment. He was likewise disgusted, at what he deemed injustice, in the irregularity of appointing other and junior officers in separate and independent commands within what was considered to be his military district. He accordingly, in October, 1776, tendered to congress the resignation of his commission. But when congress came to investigate his services, they found them, says the historian of Washington,^a far to exceed in value any estimate which had been made of them. They declared that they could not dispense with his services during the then situation of affairs; *and they directed the president of congress to request him to continue in his command*, and they declared their high sense of his services, and their unabated confidence in his attachment to the cause of freedom.

On the 9th of July, 1776, the provincial congress of the colony ratified the Declaration of Independence, and they immediately assumed the title of the Convention of this state. On motion of Gouverneur Morris, seconded by William Duer, a committee was appointed, on the 1st of August, to prepare and report the form of a constitution; but it was not reported and finally adopted until the 20th of April, 1777.

^a *Marshall's Life of Washington*, vol. iii. 231.

The deliberations of the convention were conducted under the excitement of great public anxiety and constant alarm; and that venerable instrument, which was destined to be our guardian and pride, and to command the confidence and attachment of the people for upwards of forty years, was produced amidst the hurry and tumult of arms. The convention was constantly changing its place of residence to meet the exigencies of the day. From this city it removed successively to Harlem, to the White Plains, to Fishkill, to Poughkeepsie, and to Kingston. The members were harassed by variety of avocation and duty. Some were with the troops in the field; others were members of the continental congress; others were absorbed in attention to local concerns, and the wants of their exiled families. General Woodhull, who acted a noble part in the colonial assembly, and was president of the New-York Convention when it ratified the Declaration of Independence, commanded the Long Island militia, and was slain by the enemy on Long-Island, at the close of the battle, in August, 1776. The draft of the constitution was in the hand-writing of Mr. Jay, and it was reported by Mr. Duane. Those individuals, together with Gouverneur Morris and Robert R. Livingston, were probably among the most efficient professional members of the convention in the production of the instrument; though the names of other members stand in bold relief upon the records of our revolutionary contest, for their wisdom in council, and their energy in action.

When the constitution was promulgated, and the convention were about to dissolve, they created a Council of Safety; and by their resolution of the 8th of May, 1777. they invested that council *with all the powers requisite for the safety and preservation of the state*, until a governor and legislature should be duly chosen, and in a condition to act under the provisions of the constitution. The council, thus clothed for a season with absolute power, consisted

of only fifteen men ; but they were not sunshine patriots. Their souls were formed of nobler materials. They had every claim to public confidence, and they did not abuse it. Their names, in the order in which they stand in the resolution of the convention, were, John Morrin Scott, Robert R. Livingston, Christopher Tappen, Abraham Yates, junior, Gouverneur Morris, Zephaniah Platt, John Jay, Charles De Witt, Robert Harper, Jacob Cuyler, Thomas Tredwell, Pierre Van Cortlandt, Matthew Cantine, John Sloss Hobart, and Jonathan D. Tompkins.

A governor and legislature were chosen in the summer of 1777, and in that trying season, there was not a county in this state, as it then existed, which escaped a visit from the arms of the enemy. To add to the embarrassment of our councils in the extremity of their distress, the inhabitants of the northeast part of the state, (now Vermont,) which had been represented in the convention, and just then ingrafted into the constitution, under the names of the counties of Cumberland and Gloucester, renounced their allegiance, and set up for an independent state. On the 30th of June, in that year, they were knocking at the door of congress for a recognition of their independence, and an admission into the Union.

The memorable campaign of 1777 was opened by an expedition of the enemy from New-York to Danbury in Connecticut, and the destruction of large quantities of provisions and military means collected and deposited in that town. In the northern quarter, General Burgoyne advanced from Canada through the lakes, with a well-appointed army of 10,000 men, and for a time he dissipated all opposition, and swept every obstacle before him. General Schuyler was still in the command of the whole northern department, and he made every exertion to check the progress of the enemy. He visited in person the different forts, and used the utmost activity in obtaining supplies to enable them to sustain a siege. While at Albany.

(which was his head-quarters as previously fixed by congress,) busy in accelerating the equipment and march of troops, Ticonderoga being assailed, was suddenly evacuated by General St. Clair. General Schuyler met on the upper Hudson the news of the retreat, and he displayed, says the candid and accurate historian of Washington,^a the utmost diligence and judgment in that gloomy state of things. He effectually impeded the navigation of Wood Creek. He rendered the roads impassable. He removed every kind of provision and stores beyond the reach of the enemy. He summoned the militia of New-York and New-England to his assistance; and he answered the proclamation of Burgoyne by a counter proclamation, equally addressed to the hopes and fears of the country. Congress, by their resolution of the 17th of July, 1777, approved of all the acts of General Schuyler, in reference to the army at Ticonderoga. But the evacuation of that fortress excited great discontent in the United States, and General Schuyler did not escape his share of the popular clamour, and he was made a victim to appease it. It was deemed expedient to recall the general officers in the northern army, and in the month of August he was superseded in the command of that department by the arrival of General Gates. The laurels which he was in preparation to win by his judicious and distinguished efforts, and which he would very shortly have attained, were by that removal intercepted from his brow.

But the advance of General Burgoyne's army was not the only evil that awaited us. Colonel St. Leger, with a large force of regulars and Indians, pressed upon our western border, and invested Fort Schuyler, at the head of the Mohawk. The whole southern district of the state was at the same time in secure possession of the enemy. There was never, perhaps, in the history of a free people strug-

a Marshall's Life of Washington, vol. iii. 247.

gling for their liberties, a more portentous crisis. We were driven in on every side. The extremities of the state were destroyed. There was no pulsation but at the heart. Every thing seemed to be lost but hope, virtue, and trust in the providence of God. In that gloomy season, the country rose, met and repelled the danger, with an ardour and vigour that can scarcely be conceived.^a Brigadier General Herkimer commanded the militia on the Mohawk, and in his efforts to relieve Fort Schuyler, he was attacked in the Oriskany woods by a detachment of the enemy under Sir John Johnson, and after a sanguinary and disastrous conflict, he fell fighting gallantly in defence of his country. His memory was honoured with the deep regrets of his countrymen, and the Congress of the United States voted a monument to his fame. Fort Schuyler, under the command of Colonel Gansevoort, was defended with great bravery, perseverance, and success. Colonel Marinus Willet distinguished himself likewise, by his zeal and daring enterprise during the operations of the siege, and the enemy were compelled to retire with loss and disgrace. Those distinguished officers received a warm eulogy from congress, and strong public expressions of gratitude from their own state.

George Clinton, who had recently been elected governor, met the legislature, for the first time, at Kingston, on the

^a The convention of this state, at the close of the year 1776, had prepared the minds of the people for the trials of the ensuing campaign, by the admirable *address to their constituents*, which they published at Fishkill, on the 23d of December of that year. It was understood at the time to have been drafted by Mr. Jay. The object was to cheer the country in its season of distress, and to rouse it to vigorous exertion. The address was plain, sententious, and solemn, fitting the object and the crisis; but it carried its appeal with irresistible force to the noblest affections of the human breast, and the strongest principles of action.

10th of September. It was then and there that the constitution of this independent state first received the principle of life. But so rapid and so violent were the vicissitudes of events, that, about a month from that time, the village in which they were assembled was burnt by the enemy. The members of the legislature were dispersed in a few days after the session was opened, and the governor flew to the defence of the posts in the Highlands, to the command of which he had been assigned by congress in the spring preceding. They were assailed by a very superior land and naval force under Sir Henry Clinton, and when a summons for surrender was sent to Fort Montgomery, the governor peremptorily refused. He defied an assault, and made a gallant resistance.^a It is well known that the fort was taken at the point of the bayonet, and in the midst of the confusion of the evening, the governor and a considerable part of the garrison secured their retreat. This was the first time that this eminent man fairly disclosed to his countrymen his military spirit. I knew him in the midst of the American war. He had a boldness and inflexibility of purpose, and decision and simplicity of character, which resembled the hardy sons of antiquity in the best days of Roman freedom, when her sages and heroes displayed the majestic port and stern defiance of "the lords of human kind."^b

^a The enemy sustained a severe loss, at least in the fall of Count Grabouski, a Polish nobleman, and aid to the British commander, and in the still greater loss of Lieutenant Colonel Campbell and Major Alexander Grant. The latter was an accomplished officer, and in the war of 1756, was a lieutenant in the 42d Highland regiment.

^b In the full-length portrait of the elder Clinton, painted by Colonel Trumbull, perhaps forty years ago, and in which Fort Montgomery, and the wild scenery around it, appear on the back ground, the painter, with very great skill and felicity, has thrown into the countenance and air of the hero, touches of the character, which I have here attempted to portray, from my own vivid recollections.

But the successive defeats and final capture of Burgoyne and his army at Saratoga, dissipated the angry elements which menaced our destruction. The independence of the United States was from that time forward, regarded by us, and by the friendly nations of Europe, as immoveably established. The history of the campaign of 1777, and especially the condition of this state at the lowest point of its depression, the energy with which it rose, the efforts of our heroes, and the spirit of our people, would together form one of the noblest subjects for the graphic pen of the historian. I can speak of the events of that year with some of the impressions of a cotemporary witness. I heard the noise and fury of the assault upon the fortresses on the Hudson;^a and I perfectly recollect the general distress, terror, and bitterness of grief, that were visible in the earlier parts of the campaign, as well as the tones of joy, admiration, and gratitude, at our final and triumphant deliverance.

Having brought this rapid review of prominent events in our domestic history, down to within time of memory, the limits of this discourse will not permit me to continue it. My desire has been to place in fresh remembrance before you, the merits of your ancestors; and to rescue some of their names, though it should be but for a moment, from the dust and "dumb forgetfulness" of the record. The distinguished men of the last age have nearly all passed away, and a new generation have occupied their places, and are enjoying the rich inheritance of public freedom and prosperity, bequeathed to them by the fathers of the revolution. Amidst such a bright constellation of worthies, it is difficult to discriminate. General Montgomery, General Woodhull,

^a I then resided almost in the neighbourhood of those scenes, for I was born and nurtured in one of the beautiful and picturesque valleys of the Highlands. Its "humble happiness," and portions of its sacred soil, have never since been seen or remembered by me without the deepest interest.

and General Herkimer, sealed their devotion to their country with their blood. Major General Alexander McDougall caused his early zeal and patriotism to be recorded, even on the colonial journals; and after the war had commenced, he rose rapidly in the military service of the United States, and congress declared, by a special resolution, their sense of his zeal and magnanimity.^a John Jay, Robert R. Livingston, and Gouverneur Morris, not only received marks of the highest trust and confidence in the service of this, and of the United States, but at subsequent periods they displayed their skill and fidelity as representatives of the nation at foreign courts. Egbert Benson rendered eminent service to this state throughout the whole period of the American war. He was zealous, firm, active, and extensively useful, from the very beginning of the contest. In 1777 he was appointed Attorney-General, and in that office, in the legislature, and in congress, his devotion to the public interest was unremitted. The value of his services as a member of the legislature throughout the war, was beyond all price; and in the able, constant, accurate, and faithful discharge of the duties of that station, he has scarcely had an equal in the legislative annals of this state.

Of the members of the provincial congress in 1776, in addition to those who have already been mentioned, the names of John Morrin Scott, Philip Livingston, Abraham Ten Broeck, Leonard Gansevoort, Robert Yates, Pierre Van Cortlandt, John Sloss Hobart, Zephaniah Platt, Ezra L'Hommedieu, Isaac Roosevelt, Thomas Tredwell, Robert Van Rensselaer, John Taylor, David Gelston, and John Broome, may be specially noticed, as receiving, in subsequent periods of our history, prominent and continued marks of public confidence and esteem. There may be

a Journals of Congress, vol. vii. 63.

others of equal merit whose names I may have unintentionally omitted, and I am obliged to confine myself to the mention of those leading political and military characters whom I have found, by my own imperfect researches, to have left on record some striking memorial of public honour and confidence, as early as the year 1777. There were many other individuals of this state, then in comparatively subordinate stations in the civil and military service, who afterwards rose to distinguished and deserved eminence. If I depart from the limit which I have prescribed to myself, and select any one of them, my apology is to be found in the illustrious name of Alexander Hamilton. He was, even at that early day the confidential aid of Washington; but it was not until the latter part of the American war, that he began to attract general attention, and to display to the admiration of his countrymen, the matchless resources of his mighty mind. He was chosen a member of congress in July, 1782, and he took his seat for the first time in November following. His efforts to reanimate the languid powers of the confederation, and to clothe congress with some essential credit and resources, were great, splendid, but unavailing. From that period his time and talents were almost exclusively consecrated to the service of the United States; and it would have gratified me exceedingly, if the plan of this discourse would have permitted, to have attempted to render some tribute of gratitude to his memory, by a recital of his unrivalled exertions to give a constitution, and financial credit, and security and prosperity, to the Union. His transcendant services to the nation are sufficient to render his name immortal.

John Jay, Egbert Benson, John Taylor, Thomas Tredwell, and Marinus Willet, are the only persons, among those revolutionary characters whom I have hitherto mentioned, that are now living; and I perceive that one of them has this very week been selected to execute a high

public trust.^a All these venerable remnants of the last age, may be considered as now living, in comparative seclusion, on the very verge of human life, waiting, with a Christian's hope, for their "bright reversion in the skies." But their fame accompanies them, and "enlightens even the obscurity of their retreat."

Suffer me to allude again to the history of General Schuyler. He was too pre-eminent a character, to allow any portion of his valuable life to be left unnoticed.

General Schuyler felt acutely the discredit of being recalled in the most critical and interesting period of the campaign of 1777; and when the labour and activity of making preparations to repair the disasters of it had been expended by him; and when an opportunity was opening, as he observed, for that resistance and retaliation which might bring glory upon our arms. If error be attributable to the evacuation of Ticonderoga, says the historian of Washington,^b no portion of it was committed by

^a *John Taylor* was chosen an elector of the President of the United States, by the electoral college at Albany, on the 2d of December, 1823. He was formerly first judge of the city and county of Albany, and continued in that office until he was obliged to retire from it, about twenty-six years ago, *in consequence of being disqualified to hold the office any longer by arriving at sixty years of age.* He was for many years afterwards Lieut. Governor, and in that character he was *ex officio* President of the Senate, and President of the Court of Errors and Appeals, and he continued to occupy the office until he was upwards of eighty years of age. His case showed the striking inconsistency of the constitution, which would allow a person to preside over the Court of Errors at the age of 80, and yet held him disqualified by age at sixty to preside over a county court. *Thomas Tredwell*, also an Octogenarian, was for many years Judge of the Court of Probates, and he at present fills the office of Surrogate of Clinton county. He was always distinguished for singular simplicity of character, and I received satisfactory evidence, even as far back as the American war, that he had well founded pretensions to scholarship and classical taste.

^b *S. Marshall*, 274.

General Schuyler. But his removal, though unjust and severe as respected himself, was rendered expedient, according to Chief Justice Marshall, as a sacrifice to the prejudices of New-England.

He was present at the capture of Burgoyne, but without any personal command ; and the urbanity of his manners, and the chivalric magnanimity of his character, smarting as he was under the extent and severity of his pecuniary losses, are attested by General Burgoyne himself, in his speech in 1778, in the British House of Commons. He there declared that, by his orders, "a very good dwelling-house, exceeding large store-houses, great saw-mills, and other out-buildings, to the value altogether perhaps of £10,000 sterling," belonging to General Schuyler, at Saratoga, were destroyed by fire a few days before the surrender. He said further that one of the first persons he saw, after the convention was signed, was General Schuyler, and when expressing to him his regret at the event which had happened to his property, General Schuyler desired him "to think no more of it, and that the occasion justified it, according to the principles and rules of war. He did more," said Burgoyne, "he sent an *aid-de-camp*^a to conduct me to Albany, in order, as he expressed it, to procure better quarters than a stranger might be able to find. That gentleman conducted me to a very elegant house, and, to my great surprise, presented me to Mrs. Schuyler and her family. In that house I remained during my whole stay in Albany, with a table of more than twenty covers for me and my friends, and every other possible demonstration of hospitality."^b

I have several times had the same relation in substance

^a The person alluded to by General Burgoyne was Col. Richard Varick, then the military secretary to General Schuyler, and now President of the American Bible Society.

^b *Parliamentary History*, vol. xix. p. 1182.

from General Schuyler himself, and he said that he remained behind at Saratoga under the pretext of taking care of the remains of his property, but in reality to avoid giving fresh occasion for calumny and jealousies, by appearing in person with Burgoyne at his own house. It was not until the autumn of 1778, that the conduct of General Schuyler, in the campaign of 1777, was submitted to the investigation of a court-martial. He was acquitted of every charge with the highest honour, and the sentence was confirmed by congress. He shortly afterwards, upon his earnest and repeated solicitation, had leave to retire from the army, and he devoted the remainder of his life to the service of his country in its political councils.

If the military life of General Schuyler was inferior in brilliancy to that of some others of his countrymen, none of them ever surpassed him in fidelity, activity, and devotedness to the service. The characteristic of all his measures was utility. They bore the stamp and unerring precision of practical science. There was nothing complicated in his character. It was chaste and severe simplicity; and take him for all in all, he was one of the wisest and most efficient men, both in military and civil life, that the state or the nation has produced.

He had been elected to congress in 1777, and he was re-elected in each of the three following years. On his return to congress after the termination of his military life, his talents, experience, and energy, were put in immediate requisition; and in November, 1779, he was appointed to confer with General Washington, on the state of the southern department. In 1781, he was in the senate of this state; and wherever he was placed, and whatever might be the business before him, he gave the utmost activity to measures, and left upon them the impression of his prudence and sagacity. In 1789, he was elected to a seat in the first senate of the United States, and when his term of service expired in congress, he was replaced in the senate

of this state. In 1792, he was very active in digesting and bringing to maturity that early and great measure of state policy, the establishment of companies for inland lock navigation. The whole suggestion was the product of his fertile and calculating mind, ever busy in schemes for the public welfare. He was placed at the head of the direction of both of the navigation companies, and his mind was ardently directed for years towards the execution of those liberal plans of internal improvement.^a In 1796, he urged in his place in the senate, and afterwards published in a pamphlet form,^b his plan for the improvement of the revenue of this state, and in 1797, his plan was almost literally adopted, and to that we owe the institution of the office of comptroller. In 1797, he was unanimously elected, by the two houses of our legislature, a senator in congress; and he took leave of the senate of this state in a liberal and affecting address, which was inserted at large upon their journals.

But the life of this great man was now drawing to a close. I had formed and cultivated a personal acquaintance with General Schuyler, while a member of the legislature in 1792, and again in 1796; and from 1799 to his death in the autumn of 1804, I was in habits of constant

^a The act of the legislature of this state of the 9th of March, 1793, ch. 49, displayed unbounded confidence in General Schuyler. It amended the law relative to lock navigation, after reciting that "the President of the Board of Directors of the Western and Northern Inland Lock Navigation Companies, in their behalf, had *signified to the legislature, that, in his opinion*, the alterations therein specified, might be made without material injury."

^b The pamphlet was entitled, "Remarks on the Revenue of the State of New-York, by Philip Schuyler, a member of the Senate of that State. Albany, 1796." The pamphlet was founded on a series of arithmetical calculations, and General Schuyler was profoundly versed in mathematical science. He had no superior in aptitude for such investigations.

and friendly intimacy with him, and was honoured with the kindest and most grateful attentions. His spirits were cheerful, his conversation most eminently instructive, his manners gentle and courteous, and his whole deportment tempered with grace and dignity. His faculties seemed to retain their unimpaired vigour and untiring activity ; though he had evidently lost some of his constitutional ardour of temperament and vehemence of feeling. He was sobered by age, chastened by affliction, broken by disease ; and yet nothing could surpass the interest excited by the mild radiance of the evening of his days.

It was observed at the beginning of this discourse, that we had in this state illustrious annals to appeal to, and I humbly hope that I have made good the assertion. The noble monument erecting on Bunker's Hill to the memory of her early patriots, does honour to the pride and zeal of the sons of New-England ; but the records of this state, in the hands of some future historian, are capable of elevating a loftier monument, and one of less perishable materials, on which, not the rays of the setting sun, but the rays of a nation's glory, as long as letters shall endure, will continue "to play and linger on its summit." I do not wish, however, to cherish or inculcate that patriotism which is purely local or exclusive. My object is more disinterested and liberal. It is to enkindle that generous zeal and ardent public virtue, with which Scipio, and other citizens of Rome, are said to have been inspired, as often as they beheld the domestic images of their ancestors. The glory of each state is the common property of the nation, and our freedom was established by the united will, and consolidated efforts, of every part of the Union. Our responsibility for the wise and temperate use of civil liberty, is of general obligation ; and it is our example as a nation that has sensibly affected the civilized world. The image of personal freedom, of order, of security, of happiness, and of national prosperity, which our country presents, has had its influence wherever

learning and commerce have penetrated. When our revolution began, despotism prevailed every where, except in Great Britain and her colonies; or if civil liberty existed at all on the continent of Europe, it dwelt in timid retirement, in the romantic valleys of Switzerland, within the shade of the loftiest Alps. But we have lived to witness a visible improvement in the institutions and policy of nations, after the tempest of the French revolution had subsided, and its ravages were repaired. It left the nations upon which it had spent its fury, in a better and healthier condition than it found them. This was some compensation for the injustice and the miseries which it had produced. Limited monarchies, resting on a recognition of popular rights, and constitutional restrictions upon power, and invigorated by the admission of the principle of representation, are now established in the kingdoms of France and the Netherlands. The energy of the press and of popular instruction, and the free and liberal spirit of the age, control or mitigate the evils of a bad administration, or chastise its abuses in every department of government, and they carry their influence to the highest ranks and summits of society. Those mighty causes will gradually enlarge the sphere of their action, and produce freer institutions, and a better administration of justice, in every part of Europe. At any rate, we are assured that in our own hemisphere, from the head of the gulf of Mexico, through all the good and bad forms of government in Spanish and Portuguese America, down to "the farthest verge of the green earth," the force of our great example is strongly felt, and the eye is turned, with respect and reverence, to the character of our power, and the splendour of our rising greatness.

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